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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

FEDERAL TRADE COMMISSION, STATE OF ARIZONA, STATE OF CALIFORNIA, DISTRICT OF COLUMBIA, STATE OF ILLINOIS, STATE OF MARYLAND, STATE OF NEVADA, STATE OF NEW MEXICO, STATE OF OREGON, and STATE OF WYOMING, Plaintiffs, v. THE KROGER COMPANY and ALBERTSONS COMPANIES, INC., Defendants.	Case No.: 3:24-cv-00347-AN **DECLARATION OF JAMES H. WEINGARTEN IN SUPPORT OF PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO COMPEL**

I, James H. Weingarten, declare as follows:

1. I am Chief Trial Counsel for the Federal Trade Commission Bureau of Competition. I am over the age of 18 and counsel of record for Plaintiff Federal Trade

Commission in the above-captioned action. I make this declaration based on personal knowledge. I make this declaration in support of Plaintiffs' Response to Defendants The Kroger Company's and Albertsons Companies, Inc.'s Motion to Compel.

2. Attached to this Declaration as Exhibit A is a true and correct copy of excerpts from Albertson Companies, Inc.'s Opposition to Complaint Counsel's Motion to Compel, filed on May 17, 2024, in *In re The Kroger Company & Albertsons Companies, Inc.*, Dkt. No. 9428 (FTC) (the "Administrative Proceeding"). This document was filed under seal in the Administrative Proceeding, and portions were redacted in the version on the public docket.

3. Attached to this Declaration as Exhibit B is a true and correct copy of excerpts from Defendants' Memorandum of Law in Support of Their Motion for a More Definite Statement or, in the Alternative, to Require Plaintiff to Answer One Contention Interrogatory (ECF No. 74), *FTC v. Tapestry, Inc.*, Case No. 24-cv-3109 (S.D.N.Y. May 3, 2024).

4. Attached to this Declaration as Exhibit C is a true and correct copy of Defendants' Expert Witness List, dated May 10, 2024, and served in the above-captioned action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 23, 2024, in Washington, DC.

/s/ James H. Weingarten

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